

REMARKS

Claims 2 and 4-24 are pending in the present application. Claim 1 was previously canceled and claim 3 has been canceled through this reply. Claims 2 and 24 are independent. Claims 2, 4-9, 11-14, 16 and 24 have been amended. Favorable reconsideration and allowance of the present application are respectfully requested in view of the amendments and remarks made herein.

Double Patenting

Claims 2-4, 10-13, 17-20, 24 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of Application No. 10/535,700 in view of Snee (“Snee”, U.S. 5,603,843).

Claims 2-4, 10-13, 17-20, 24 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 2 of Application No. 10/535,494 in view of Snee (“Snee”, U.S. 5,603,843).

Applicants note that these are provisional obviousness-type double patenting rejections since none of the claims in the above-mentioned applications have been patented.

In view of this, Applicants note that a terminal disclaimer may be submitted at a future time. The Examiner is respectfully requested to reconsider and withdraw this rejection.

Claim Rejections under 35 U.S.C. § 103(a) – Ando, Snee

Claims 2-4, 10-13, 17-20 and 24 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Ando et al. (“Ando”, JP 2001-276484) in view of Snee (“Snee”, U.S. 5,603,843). This rejection is respectfully traversed.

Independent claim 2 recites, *inter alia*, “*wherein the ion elution unit comprises a water feed valve for feeding water to the ion elution unit, wherein the electrodes are disposed along water current fed, and wherein, when the water feed valve is feeding water to the ion elution unit, the drive circuit reverses polarities of the electrodes cyclically by alternating a voltage application period with a voltage application halt period*”. Independent claim 24 similarly

expresses the above-mentioned feature. Neither Ando nor Snee discuss the above-mentioned claim feature. In fact, The Examiner admits that Ando does not discuss the above-mentioned claim feature (*see Office Action, page 3*). Also, Snee does not even discuss a voltage application halt period at all. Snee simply discusses “revers[ing] the direction of the DC current approximately every five minutes to minimize electrode wear” (*See Column 2, Lines 58-60*). Thus it is apparent that it would be simpler not to provide a voltage application halt period and thus it would not have been obvious to one of ordinary skill in the art to reverse the polarities of electrodes cyclically so that voltage application periods and voltage application halt periods alternate.

For at least the reasons stated above, independent claims 2 and 24 are patentably distinct from Ando and Snee, as well as Robey and JP 200-343081. Claims 3, 4, 10-13 and 17-20 are at least allowable by virtue of their dependency on corresponding allowable independent claim.

Accordingly, it is respectfully requested to withdraw the obviousness rejection of claims 2-4, 10-13, 17-20 and 24 based on Ando and Snee.

Claim Rejections under 35 U.S.C. § 103(a) – Ando, Snee, Robey, JP 2000-343081

Claims 5-9, 14-16 and 21-23 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Ando et al. (“Ando”, JP 2001-276484) in view of Snee (“Snee”, U.S. 5,603,843), further in view of Robey et al. (“Robey”, U.S. 2002/0157962 A1) or JP 2000-343081. This rejection is respectfully traversed. Robey and/or JP 2000-343081 do not remedy the noted deficiencies of Ando and Snee and thus cannot correct the defects of the Examiners rejection based solely on Ando and Snee.

Accordingly, it is respectfully requested to withdraw this obviousness rejection of claims 5-9, 14-16 and 21-23 based on Ando, Snee and Robey or JP 2000-343081.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the rejections and objections, and allowance of the pending claims are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Charu K. Mehta Reg. No. 62,913 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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